

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )

Bell Operating Company )

Provision of Out-of-Region )

Interstate, Interexchange Services )

CC Docket No. 96-21

RECEIVED

SEP 20 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**BELL ATLANTIC<sup>1</sup> OPPOSITION**

DOCKET FILE COPY ORIGINAL

MCI, the only party to seek reconsideration on the Commission's interim order, asks the Commission to "reconsider" an issue that was not raised in the order below, based on a statute that does not apply.<sup>2</sup> MCI's petition should be denied.

MCI concedes that both the Notice of Proposed Rulemaking and the Commission's Order do not cover international services.<sup>3</sup> Nevertheless, MCI argues that the Commission should "reconsider" or "clarify" that terminating service on international calls should be considered in-region traffic, and thereby subject to prior approval under section 271. With no regard to

<sup>1</sup> This filing is on behalf of Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; and Bell Atlantic-West Virginia, Inc., and Bell Atlantic Communications, Inc.

<sup>2</sup> Petition for Reconsideration and/or Clarification of MCI Telecommunications Corp. (filed Aug. 8, 1996) ("MCI Petition").

<sup>3</sup> MCI Petition at 2-3. Indeed, MCI concedes that the only discussion of international traffic was the Commission's explicit disclaimer that "this proceeding does not cover international out-of-region services." *Id.* at 3.

No. of Copies rec'd 0412  
List A B C D E

relevance, MCI continues to raise this argument in every forum imaginable.<sup>4</sup> Its argument is clearly beyond the scope of this proceeding. Regardless, the argument is nonsense.

MCI's entire argument is that traffic that originates in another country and terminates in a Bell company's home region should be considered as originating in-region for purposes of section 271 of the Act.<sup>5</sup> Under the Commission's proportionate return policy, the amount of return traffic is based on the volume of outgoing traffic.<sup>6</sup> MCI argues that this policy changes the statutory definition of traffic originating in-region. MCI is wrong.

By definition this is terminating, not originating traffic.<sup>7</sup> Relying on an exception for certain terminating traffic in section 271(j), MCI argues that this traffic is in-region originating traffic. Such reliance is misplaced. Section 271(j), by its terms, only applies to "800 service, private line service, or their equivalents" that terminate in an in-region state and "allow the called party to determine the interLATA carrier."<sup>8</sup> Nothing in section 271(j) covers international return traffic, and even MCI concedes that "the called party to an international call originating overseas" does not choose the U.S. interLATA carrier.<sup>9</sup> In fact, international return traffic is controlled by the carrier of the originating customer, which assigns it to various U.S. facilities-

---

<sup>4</sup> ***See Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended***, CC Docket No. 96-149, Comments of MCI Telecommunications Corp. at 7 (filed Aug. 15, 1996); ***Bell Atlantic Communications, Inc. 214 Application***, File No. ITC-96-451, MCI Petition to Deny (filed Sept. 13, 1996).

<sup>5</sup> MCI Petition at 4-6.

<sup>6</sup> Until a Bell company obtains in-region relief, any such outgoing traffic will originate in out-of-region states.

<sup>7</sup> Subject to section 271(j) of the Act, Bell companies and their affiliates may provide termination for interLATA services. 47 U.S.C. § 271(b)(4).

<sup>8</sup> 47 U.S.C. § 271(j).

<sup>9</sup> MCI Petition at 4.

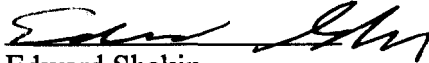
based international carriers based on their proportional traffic to that carrier. This does not “allow the called party to determine the interLATA carrier”<sup>10</sup> and does not fall within the scope of section 271(j). MCI’s argument is simply without merit.

**Conclusion**

For the foregoing reasons, MCI’s petition should be denied.

Respectfully submitted,

Edward D. Young, III  
Michael E. Glover  
Of Counsel

  
Edward Shakin

1320 North Court House Road  
Eighth Floor  
Arlington, VA 22201  
(703) 974-4864

Attorney for the  
Bell Atlantic Telephone Companies  
and Bell Atlantic Communications, Inc.

September 20, 1996

---

<sup>10</sup> 47 U.S.C. § 271(j)(2).

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September, 1996 a copy of the foregoing "Bell Atlantic Opposition" was sent via first class mail, postage prepaid, to the parties on the attached list.

  
Tracey DeVaux

Janice Myles\*  
Federal Communications Commission  
1919 M Street, NW  
Room 544  
Washington, DC 20554

ITS, Inc.\*  
2100 M Street, NW  
Room 140  
Washington, DC 20037

Frank W. Krogh  
Donald J. Elardo  
MCI Telecommunications Corporation  
1801 Pennsylvania Avenue, NW  
Washington, DC 20006